

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AMBER GASCHO, et al.,	:	
	:	Case No. 2:11-CV-436
Plaintiffs,	:	
v.	:	Judge Smith
	:	
GLOBAL FITNESS HOLDINGS, LLC,	:	Magistrate Judge King
	:	
Defendant.	:	

MEMORANDUM IN RESPONSE TO OBJECTIONS

Global Fitness Holdings, LLC (“Global Fitness”) submits this response to the Objection to Report and Recommendation (Doc. 142) filed by Joshua Blackman (“Blackman Objection”) and the Objections to Report and Recommendation (Doc. 143) filed by Robert J. Zik, April Zik and James Michael Hearon (“Zik/Hearon Objection”).

The Settlement Agreement and Release (Doc. 97-1) (“Settlement”) entered into between Global Fitness and the twelve plaintiffs in this case (referred to collectively as the “Gascho Plaintiffs”) is fair, reasonable, and adequate, and complies with the requirements of Fed. R. Civ. P. 23. All of the facts and legal analysis that support approval of this settlement are set forth in Global Fitness’s Memorandum in Response to Objectors (Doc. 126), the Joint Motion/Unopposed Motion for Final Approval (Doc. 132) and all of the arguments and evidence presented at the fairness hearing. Global Fitness adopts and incorporates all of its arguments previously presented in those pleadings.

Global Fitness further incorporates and adopts Sections II.A, II.B, II.C, III.A, III.B, III.C, III.F, III.G, and III.K from Plaintiffs’ Response To The Objections Of Joshua Blackman And Zik/Hearon To The Report And Recommendation (Doc. 144). Global Fitness finds it

particularly interesting that Mr. Blackmon, a law professor who signed a contract with Global Fitness, while a Sixth Circuit law clerk and rescinded that contract within 3 days and admits to have suffered no damage, seeks to hold hostage a settlement benefitting tens of thousands of individuals, all for some ideological reasons unrelated to ever being a member or user of Global Fitness facilities. Global Fitness takes no position regarding the award of attorneys' fees in this case as previously disclosed in its Notice Of Non-Objection To Application For Attorneys' Fees (Doc. 127).

For the reasons set forth above, for the reasons contained in the Report and Recommendation, for the reasons discussed in Global Fitness's Memorandum in Response to Objectors (Doc. 126), and for the reasons cited in the parties' Joint Motion/Unopposed Motion for Final Approval, February 4, 2014 (Doc. 132), Global Fitness respectfully requests as follows: (i) that the CCAF and the Zik/Hearon Objections be overruled, (ii) that this Court accept and approve the Report and Recommendation, (iii) that this Court grant Final Approval of all provisions of this Settlement, and (iv) that this Court enter a Final Order and Final Judgment approving this Class Action Settlement.

s/ V. Brandon McGrath
V. Brandon McGrath (0072057)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that foregoing was filed with the Court's ECF system on May 2, 2014, which will send notification of this filing to the registered parties.

s/ V. Brandon McGrath
Attorney for Defendant

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